

Applicant: Dörrie et al.
Application No.: 10/694,588

IN THE DRAWINGS

The attached drawing sheets consist of two replacement sheets containing Figs. 14a, 16 and 17. These sheets replace the original and previously presented sheets including Figs. 14a, 16 and 17. In Fig. 16, reference symbol $\phi/2$ was added. In Fig. 14a reference numbers 15, 47 were added.

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 6 - 8, 12 - 21 and 23 - 25 are currently pending in this application. Claims 1-5, 9-11 and 22 have been canceled without prejudice. Canceled claim 22 was drawn to a non-elected species. Claims 6, 12, 13-16, 18, 21, 23, and 24 have been amended. No new matter has been added by the amended and added claims.

In the Action, the drawings were objected to for the following reasons:

- a. Figure 14a includes an unnumbered lead line. The attached replacement drawing sheets include a corrected Figure 14a having the appropriate reference numbers.
- b. It is alleged that the elected species fails to show a “perforated cap”, the Examiner asserting that “[t]he detail indicated by numeral 48 in Figs. [sic.] 14 looks like the cross section of a washer, not a cap” Applicants respectfully submit that they are permitted consistent with 35 USC 112 to be their own lexicographer so long as terms in the claim(s) are not given meanings repugnant to the usual meanings of those terms. See *Barry Fiala, Inc. v Card USA, Inc.* (2003, WD Tenn) 292 F Supp 2d 1009, *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947), *MPEP* § 706.03(d). Applicants submit that the use of term “perforated cap” is not at all repugnant to the common accepted usage since the perforated cap in fact

caps an end of the clamping bodies and is in fact perforated. Accordingly, this terminology is believed to be both accurate and descriptive of the function of this element:

- c. Reference numerals 40 and 50 share a lead line in Figure 14a. Paragraph [0063] of the amended specification recites “the actuator 40 includes the tongue 50” (this amendment finds support in at least paragraph [0022] of the original application). In view of this indication, Applicants respectfully submit that it is appropriate that reference numerals 40 and 50 share a lead line.
- d. The term “cut-out segment” was used on page 15, line 27 to correspond to reference numeral 49. Reference numeral 49 is now described as a “ring-shaped segment” in the specification as amended. This is supported by the drawings and description.
- e. It is alleged that reference character ϕ does not appear in the drawings. Applicants refer the Examiner to original Figure 16 which shows reference character ϕ . Figure 16 is referenced in paragraphs [0055] and [0062] of the original application in describing this reference character.
- f. It is alleged that reference character $\phi/2$ does not appear in the drawings. Applicants have corrected Figure 16 in Replacement Drawing sheet 9 to show reference character $\phi/2$.

In view of the foregoing, Applicants respectfully request withdrawal of the objections to the drawings.

In the Action, the Specification was objected to for minor informalities which have been addressed by the amendments to the Specification set forth above. Also it was indicated that the Specification failed to provide proper antecedent basis for the recitation: “the clamping rings are formed sheet metal parts” in claims 1 and 9. Applicants respectfully refer to paragraph 0012, lines 1-2 and paragraph 0017, line 1 of the original application which clearly recite this feature. In the amendments set forth above, Applicants have also added the recitation of this feature to the Detailed Description in paragraph 0057. Accordingly, Applicants respectfully request withdrawal of the rejections to the Specification.

The claims were objected to for allegedly failing to comply with 37 CFR 1.75(i) because claim elements were not separated by line indentations. The claims have been amended to add line indentations where appropriate, and Applicants respectfully request withdrawal of this objection to the claims.

Claims 24 and 25 were rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement. It is alleged in the Action that the recitation in claim 24 of “an actuating element on a perforated cap” is unsupported. It is also alleged that the recitation in claim 25 of “[a] tongue

[which] extends longitudinally” is unsupported and that such recitation is contrary to the recitation in claim 24 that the tongue “protrudes radially”.

Applicant refers the Examiner to paragraph [0020] of the original application which states:

..the second retainer is preferably a perforated cap. The perforated cap holds to the clamping body longitudinally in one direction, surrounding the axis of rotation. A further provision of the design is that the perforated cap be outfitted with at least one tongue coming off it.

Paragraph [0022] of the original application further recites:

[T]he actuating element may be a longitudinal tongue extending in a longitudinal direction away from the second clamping ring, and built from the second clamping ring.

Applicants respectfully submit that from the disclosure of at least paragraphs 0020 and 0022 of the original application, the Examiner-noted recitations of claims 24 and 25 are clearly supported. Further, Applicants respectfully submit that the recitation “the tongue extends longitudinally” in claim 25 is not inconsistent with any other recitations in the application. Claim 24 and the corresponding portion of the Specification have been amended to recite “a tongue protruding from the perforated cap at a radial

portion thereof”, which recitation is entirely supported by the original drawings and the Specification. For clarity, the Detailed Description has been further amended herein to incorporate disclosure originally present in other parts of the Specification and shown in the Drawings.

Claims 5, 13, 18-20, and 23-25 were rejected under 35 USC 112, second paragraph, as being indefinite. Claim 5 has been canceled without prejudice and claims 13, 18 and 23 have been amended to provide proper antecedent basis for all claim limitations. Claim 24 has been amended to reconcile Examiner-cited clarity issues.

In the Action, as supplemented by the Advisory Action, it was indicated that claims 12, 13, and 15-20 would be allowable if rewritten to overcome rejections under 35 USC 112, 2nd paragraph and to include all limitations of their base claim and any intervening claims. Claims 6, 12, 13-16, 18, 21, 23, and 24 have been amended pursuant to the indication of allowable subject matter. Applicants respectfully submit that claims 12, 13 and 15-20 should now be allowable and request that the objections and rejections to claims 12, 13, and 15-20 be withdrawn. The remaining pending claims depend from one of claims 12, 15, or 18, and therefore, these claims should also be allowable.

In response to comments in the October 26, 2005 Advisory Action, Applicants note that the original application erroneously referred to the angle phi (ϕ) as "theta" in paragraph [0062]. The word "theta" or an associated symbol was not used anywhere else in the original application or in the drawing Figures. This typographical error has been corrected by the amendment to paragraph [0062] above, and is consistent with the angle phi (ϕ) originally shown in Figure 16.

Further in response to comments in the Advisory Action, Applicants respectfully submit that the original application fully discloses a tongue 50, included with an actuator 40, is a part of and extends from a perforated cap 48 at an outer radial portion thereof. This disclosure is fully supported by the original application including the drawing Figures which clearly show the configuration described in the amended paragraph [0063]. Applicants respectfully submit that original claim 24, which recites "one of the actuating elements (40) on a common perforated cap (48) is designed with a tongue (50) protruding at first radially from the perforated cap", also supports the described configuration. Applicants respectfully submit that claim 24, as amended, meets the requirements of 35 USC §112.

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this

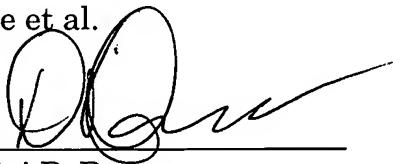
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application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 6 - 8, 12 - 21 and 23 - 25, is in condition for allowance and a notice to that effect is respectfully requested.

Dörrie et al.

By


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Enclosures